

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:07CV8-03-MU

MICHAEL R. WILLIAMS,

Plaintiff,

v.

REGGIE WEISNER; KEITH WHITENER;
MATT CLARK.

Defendants.

ORDER

THIS MATTER comes before the Court on Plaintiff's Motion for A Temporary Restraining Order and A Preliminary Injunction," filed February 13, 2007 (Document No. 17.)

Plaintiff contends that Defendants have acted with deliberate indifference to him by denying Plaintiff a warm cell. The Court notes that this is the second such motion filed by Plaintiff and essentially a restatement of the first. The Court denied Plaintiff's first injunction and construed Plaintiff's motion as a Complaint under 42 U.S.C. § 1983. In the instant motion, Plaintiff is asking the Court to transfer him to a different facility because the temperature in his cell remains very cold and staff is retaliating against him for filing a Complaint. The Court is aware of and takes seriously Plaintiff's allegation that he is suffering from cold temperatures in his cell and that he has not been given an extra blanket, thermal underwear or a warm coat. In response to these allegations, the Court has ordered the Defendants to file a response to Petitioner's Complaint. The Court does not have the authority to direct the Department of Corrections as to where to house prisoners. This Court will again deny Plaintiff's motion and allow the Defendants to file a response to Plaintiff's allegations.

NOW, THEREFORE, IT IS HEREBY ORDERED that Plaintiff's "Motion for A
Temporary Restraining Order and Preliminary Injunction" (Document No. 17) is DENIED.

SO ORDERED.

Signed: February 22, 2007

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

